

(Attorney Docket № 14214US02)

Examiner: Man U. Phan
Group Art Unit: 2619
Confirmation No. 6075

[illegible]

Electronically Filed on 28-OCT-2008

NOTIFICATION OF REQUEST TO WITHDRAW FROM APPEAL

Board of Patent Appeals and Interference
US Patent and Trademark Office
Attn: Clerk of the Board
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is to notify the Board of Patent Appeals and Interferences that the Examiner has re-opened prosecution of the above-identified application, pursuant to the 10/24/2008 Notice of Panel Decision from Pre-appeal Brief Review ("Decision"). Therefore, the Applicant would like to withdraw from consideration the Appeal Brief filed on 10/24/2008.

Since the pre-appeal conference was substantially delayed beyond the 45-day period recommended by the USPTO guidelines (the pre-appeal brief conference request was filed on 3/24/08), the Applicant was not notified in a timely manner of the

Application. No. 10/665,648

Decision. Consequently, in order to avoid abandonment, the Applicant filed an Appeal Brief (with a request for a five-month extension) on the five-month due date, 10/24/2008. Since the Decision reopens prosecution and makes the Appeal Brief moot, the Applicant hereby requests withdrawal of the Appeal Brief filed on 10/24/2008. A petition for a full refund of the Appeal Brief fee as well as of the five-month extension fee is being concurrently filed.

Date: October 28, 2008

/ Frankie W. Wong /

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